

**Minutes
State Board of Education
Monday, April 28, 2003**

The Arizona State Board of Education held a meeting at the State Capitol, Executive Tower, 1700 W. Washington, Phoenix, AZ 85007. This meeting began at approximately 9:05 am.

Members Present

Dr. Wade McLean; President
Ms. Nadine Mathis-Basha; Vice President
Dr. Matthew Diethelm
Dr. Michael Crow
Superintendent Tom Horne
Ms. JoAnne Hilde
Ms. Catherine Kasper

Members Absent

Ms. Conkie Hoover
Ms. Armida Bittner

Board Business Announcements

President McLean reported to the Board and to those in the audience that he would like to rethink the Board's process in accepting public comment. Dr. McLean stated that if he does not have the call to the public form by the time the Board gets to that section of the meeting, comments will not be heard orally, but a person's name and position will be recorded; Dr. McLean suggests that persons should get requests in early. Additionally, Mr. Horne suggested that persons, who have addressed the Board before on an issue, not address the Board again. Dr. McLean suggest that we may need to develop a list of speakers who have spoken several items on the same issue and limit the public comment period to one hour in the future. Dr. Diethelm suggested that the Board rearrange the agenda and place the public comment session after the consent items, the Board agreed move item four to after item two.

Minutes, March meeting

Dr. McLean introduced the item. Ms. Basha made the motion to approve the minutes and the executive session minutes from the March 31, 2003 meeting. Dr. Deithelm seconded. No discussion. Approved.

President's Report

Dr. McLean spoke about his attendance to the Phoenix Holocaust Survivors' Association Yom Hashoah ceremony in Tucson and how the Association was pleased to have been recognized by the State for their education efforts. He stressed the importance of maintaining K-12 full funding.

Superintendent's Report

Mr. Horne also stressed the importance to maintain full funding for the K-12 system and stated that the Department has made efforts to communicate this to our Legislators. He also mentioned the key Department legislation to modify Arizona Learns; the bill has passed through the House and is on the Senate Third Read today at 11:00.

Board Member Reports

Ms. Basha spoke and expressed concern with the legislative budget cut of \$19 million to the early childhood education grant, which aids funding for full day kindergarten programs.

Dr. Diethelm reported about the recent ABEC meeting where volunteer kindergarten programs were discussed and that the coalition is in favor of this. Dr. Diethelm personally expressed great support. He spoke about the JLBC and President of the Senate budget presentations and of the strategic planning for the coalitions future actions.

Ms. Hilde reported on the NASBE conference she had attending on leadership. She said to sum up the session,

the “principal is a function not limited to one individual,” she felt that this was the main point of each activity. She reported that NASBE is looking for a round two of this conference.

Ms. Kasper commented on her frustration with the 95% of students needed to be in attendance on testing days and if not, the underperforming label that follows. She expressed that there is nothing more teachers can do to get these students to school, in short of “picking them up and driving them to school” on test days. She feels that this is an undue penalty on teachers and schools. Mr. Horne responded that this is a federal requirement and the state is looking into addressing that issue with state flexibility.

Consent Items:

President McLean requested a motion to approve the consent items. Ms. Farley stated that amendments needed to be made to the consent agenda. Item 4E, Kachina Country Day School Modifications Request, has been asked by the charter holder to be removed completely from the agenda. And, Item 4F needs to be removed and heard during general session. President McLean requested an amended motion. Ms. Hilde made the motion to approve the amended consent items without Items 4E and 4F, Ms. Basha seconded. Motion carried.

Consent Items
Approved
(Amended)

Director's Report

Ms. Farley reported to the Board that the Legislature appears to be wrapping up this session in terms of bills. Ms. Farley reiterated that the AZLEARNS legislation is being heard today in the Senate and we do hope for its passage to the Governor. Additionally, Ms. Farley reported on the following legislation and how it affects the Board members: HB 2016 (certification examination, now: including fingerprint clearance card legislation from the Senate), HB 2091 (alternative delivery method rules, district procurement), and HB 2051 (IGA transfers and OAH hearings, which has successfully been signed by the Governor). Ms. Farley spoke to the most recently released budget, stating that the transfer of the State Board's charters to the State Board for Charter Schools still remains; she then introducing the Charter Board's liaison to the SBE, Mike Keyes. Ms. Farley reported on the rules update for Unprofessional Conduct (AG timeframe almost past statutory 60 days allowed, staff has pushed the AG to sign immediately), CTE Emergency Rules (awaiting AG approval), Teacher and Administrator Rules (awaiting AG approval) and ELL Supplemental Rules. Ms. Farley stated that staff is currently drafting rules concerning Alternative Project Delivery Methods, as well as Braille Literacy Rules and Educational Interpreter Rules for the Hearing Impaired. Upon approval of this Board, staff will begin circulating these rules to stakeholders for feedback. She stated that the Board should be looking into past rules that are either outdated or in need of revision once in compliance with statutory requirements. Ms. Farley concluded by stating her main goal as executive director is to have the Board statutorily in compliance with all rules packages by the end of summer 2003.

Ms. Basha asked if Ms. Farley was aware of the status of the Early Childhood grant. She reported that she is aware that it is currently being reviewed by Legislators and is of importance to the Superintendent. No new information has been released by the legislature. The Superintendent added the ADE perspective on this question.

Item 4F: Withholding of 10% from State Board for Charter School's sponsored schools whom failed to submit their annual financial audit required by ARS 15 914 and USFRCS:

Dr. McLean requested a motion. Ms. Farley reported to the Board the schools that were to be removed from this list; Carden Elementary School, Deer Valley Charter School, E- Institute Charter School, and International Studies Academy, as they have submitted their audits to the ADE. Ms. Basha made the motion to approve the list minus the schools listed by Ms. Farley. Ms. Hilde seconded. Motion carried.

Motion to Approve
Amended Item 4F
From the Consent Agenda
Approved

Public Comments

President McLean began the public comment session by commenting that many people have come to speak on the ELL issue, but that this Board meeting may not be the most efficient and/or appropriate venue to discuss their support or opposition for recent policies issued by the Superintendent. The following people spoke:

English Language Learners Issue- Not on Agenda

Against

Alicia Alvarez, Parent

Delia Saenz, Parent

Rosie Lopez, Arizona Hispanic Community Forum

Napoleon Pisano, Parent

Carmen Chenal, Parent

Silvia Benitez, Parent

Sue Kovarick, Creighton School District

In addition, the following individuals spoke on various issues:

Mike Kayes, Arizona Charter Schools Association/ Liaison to the SBE

John Wright, Arizona Education Association/ Vice President- Item 5M, 6A

Dr. Skip Little, NAU/ Professor- Item 6A

Jeannette Flom, Arizona Association of School Psychologists- Item 6A

For further detailed comments, see tape A, side A.

General Session

Certification of Larry W. Dunlap, Case #C-2001-120.

Arizona Department of Education Director of Investigations, Craig Emanuel, introduced the item stating the findings of fact from the PPAC meeting that led to the recommendation of denying Mr. Dunlap's certification.

Denied Certification
For Larry W. Dunlap
Per PPAC Recommendation

Certification of Larry J. Carpenter, Case #C02-10-62

Mr. Emanuel introduced the item stating that the Board has two options considering a recent submission by Mr. Carpenter (1) request from the applicant to withdraw his application or (2) accept the PPAC recommendation and deny him his certification based upon their findings of fact. Discussion developed around the fact that the Board should not accept Mr. Carpenter's letter of withdrawal. On suggestion of Dr. McLean, the discussion went to a motion by Dr. Diethelm and seconded by Ms. Hilde to accept the recently submitted letter. 4 Ayes, 3 No's, 2 Not Voting, the motion failed. Dr. McLean addressed the Board's other option to accept the PPAC recommendation and deny Mr. Carpenter Arizona certification and to notify all states and territories. Motion made by Dr. Diethelm, Seconded by Ms. Hilde. Passed.

Denied Certification
For Larry J. Carpenter
Per PPAC Recommendation

Certification of Stacey E. Synol, Case #C-01-42

Mr. Emanuel introduced the item by stating the findings of fact from the PPAC review and requested that the Board place a letter of censure in her permanent certification file. Dr. Crow asked if this penalty is usual for teachers bringing drugs into a Drug Free Zone. Mr. Emanuel stated that since no criminal charges were filed and that there was no

Approved
Letter of Censure
Placed in Permanent file

conviction on record, the Department is only able to file this letter based on the allegation. Further, Ms. Basha relayed a story about a drug occurrence at her son's school, stating that she is uncomfortable having a double standard for student's and teachers. Mr. Holder, the attorney for Ms. Synol, stated his client's case to the Board. Dr. McLean asked for a motion, Ms. Hilde made the motion, seconded by Ms. Basha. Passed.

- *Consideration to Accept the Charter Advisory Committee Recommendation to Approve the application for Desert Heights Elementary School.*

Former Director of the Department of Education's Charter School Division, Ms. Bonnie Barclay, introduced the item briefly stating the background information gathered via the Charter Advisory Committee meeting. A charter school currently exists under a charter with the Snowflake School District and the charter holder requests to move their charter to the State Board of Education with a new operator. Dr. McLean asked if Representative Huppenthal was in the audience to speak, he was not. Dr. McLean then asked for a motion. Ms. Hilde made the motion to accept the application for Desert Heights Elementary School, seconded by Ms. Basha. Passed.

Approved Charter for
Desert Heights Elementary
School

- *Consideration to Accept the Charter Advisory Committee Recommendation to Reject the application for Arizona Charter School of Music.*

State Board Executive Director, Ms. Farley, reported to the Board that the charter applicant and her attorney, have asked that the Board remove/table their charter school application until the May meeting. Dr. McLean requested a motion. Ms. Basha made the motion to remove this item from the agenda. Seconded by Mr. Diethlem. Passed.

Removed/ Tabled
AZ Charter School
Of Music application
Until May meeting

- *Review the Status of C.I. Wilson Academy and Possible Consideration to Issue a Notice of Intent to Revoke the Charter Due*

Ms. Barclay introduced the item to the Board. She presented a status report on CI Wilson Academy and opened the floor up for questions. Dr. McLean asked Mr. Wilson, who was in the audience, to speak on the issues with his school and its non-compliance with Special Education and Audit requirements. Dr. McLean questioned Ms. Epstein if the Board should enter into executive session to discuss their possible options. At which time Ms. Epstein, said that it was not necessary. Mr. Horne made the motion to take no further action on this school; remaining status quo with the 10% withhold. Upon discussion amongst the Board as to CI Wilson's non-compliance issues and their expression of a pattern developing, Dr. McLean asked the Superintendent to ensure that by September 30, 2003 an audit company be on contract so that they will not be late again next year with their audit. Ms. Epstein stated that this must be made as an amendment to their charter. Mr. Wilson stated that he would agree to do this without a charter amendment. Dr. McLean asked for these minutes to be placed in the charter file. Dr. Diethelm seconded motion. Passed by the Board.

Approved Motion
To Take No Further
Action CI Wilson. Maintain
Withhold of 10%. Until
Compliance is Reached
Passed

▫ *Consideration to Approve Estimated Student Count Policy for Charter Schools to Document Student Registration*

Ms. Farley introduced this item to the Board, stating that this policy is identical to the State Board for Charter School's policy regarding student count. With no discussion, Dr. McLean asked for a motion. Dr. Diethelm made the motion to adopt this policy, seconded by Ms. Hilde. Passed.

Approved
Student Count Policy for
Charter Schools to Document
Student Registration for Estimated
Student Count

▫ *Consideration to Withhold 10% for Failure to Submit Annual Financial Audit required by ARS 15-914 and the USFRCS code.*

Ms. Farley introduced this item to the Board. Ms. Farley stated that several schools turned in their annual audits Friday, April 25 before 5:00pm and must be removed from our motion- Hopi Jr./Sr. High School, Terra Nova Academy, Terra Rosa Charter School, and Valley Vocational Services. With no discussion by the Board, Ms. Hilde made the motion to withhold 10% from the listed charter schools, excluding those listed by Ms. Farley, for failure to submit their annual financial audit as required by ARS 15-914 and the USFRCS. Ms. Basha seconded the motion. Passed.

Approved
Withholding of 10% for Failure
To Submit Annual Financial
Audit, ARS 15-914

▫ *Consideration to Approve Reading First Grant Awards to Additional Schools*

Ms. Mancuso, Deputy Associate Superintendent of Standards Based Learning and Teaching, introduced the item to the Board explaining that at last month's meeting, the Board had approved estimated/approximated dollar amounts for the Reading First grant funds. However, Ms. Mancuso stated that after budget negotiations and additional review, three additional schools were able to receive Reading First funds. Dr. McLean questioned what happens if a school does not get awarded these funds? How and when are they able to reapply? Ms. Mancuso replied that this grant allocation occurs on a three-year basis- this is not an annual award. Dr. McLean then asked for a motion. Ms. Basha made the motion to approve the revised Reading FIRST grant awards as recommended by the Department of Education. Dr. Diethelm seconded Ms. Basha's motion. Passed.

Approved
Revised Reading FIRST
Grant Awards

▫ *Presentation and Discussion of the Grant Award for Solutions Team Services*

Dr. Loughrin, Associate Superintendent of Research Standards and Accountability, presented to the Board that RMC had been awarded the grant to provide technical assistance to schools labeled underperforming. She stated that Solutions Team Services would provide training in research-based improvement methods throughout the state at large workshop seminars. Ms. Farley stated that this is not an action item for the Board, yet she wanted to ensure that they were informed.

Discussion Only

▫ *Consideration to Approve AZ LEARNS Achievement Profile Matrix*

Mr. Holm, with the ADE Research, Standards and Accountability unit, along with the Director Dr. Laczko-Kerr of this unit presented this subject to the Board. (Please refer to the presentation material for

Motions
Please Refer to Attached
Transcript and

details).

Section I:

Approved: (A.1) A two-year average of 2000-2001 AIMS data in order to determine Baseline Groupings.

Approved: (A.2) A six-one Baseline Group scale as illustrated in attachments one and two in Board packet (Please refer to presentation packet material).

Approved: (B.1) A six-one Growth Point Scale illustrated in attachments one and two.

Approved: (C.1) A one-zero AYP scale illustrated in attachments one and two.

Approved: (D.1) A two-zero scale for Additional non-AYP indicator scale illustrated in attachment two.

Approved: (E.1a) Calculation of the Total Score Value as illustrated in attachment one and attachment two.

Approved: (F.1) Calculation illustrated in attachment one and two. With note, that cut scores associated with the school classification scale will be established during Spring 2003 and brought to the Board for final approval in June 2003.

Approved (G.1) Application of added evidence as illustrated in attachment one. With note, that cut associated with the school classification scale will be established during Spring 2003 and brought to the Board for final approval in June 2003.

Section II:

Approved: (Mobility) Exclusion of mobile students- students that have not been enrolled in a particular school for a full academic year, in the Achievement Profile analysis.

Approved: (N Count) An N Count of 30 students for the Achievement Profile analysis- minimum population size.

Approved: (Compensatory Model) Previously adopted compensatory methodology for the calculation of the modified Achievement Profile.

Executive Session

The Board recessed into Executive Session and announced to reconvene at 1:00pm. The State Board meeting reconvened at 1:00 pm for the Teacher Certification presentation.

Informational Session/ Teacher Certification

Ms. Margaret Garcia Dugan, Associate Superintendent for Academic Support, made opening remarks to the Board.

Mr. Lanny Standridge, Director of Certification, began the study session on Teacher Certification with a PowerPoint presentation regarding current certification policies. (Please refer to PowerPoint presentation for details). After the presentation Lanny opened the floor for questions.

Dr. Diethlem asked about ADE's reciprocity of accepting test scores from other states and possibly looking into a change in State Board rule. Additionally, Ms. Hilde asked if a person must have a baccalaureate degree for emergency certification. Mr. Standridge answered that for a substitute certificate- no; for a teacher certificate- yes.

Ms. Julie Gasaway, Education Program Specialist, began a second presentation on NCLB and the additional requirements this Federal law places on Arizona's teacher certification process (Please refer to the matrix material for details). Ms. Gasaway then opened for questions.

Dr. McLean asked about the ADE timeline for developing a State evaluation tool for current teachers and for a status on the subject level tests in Arizona.

WestEd Presentation

Dr. McLean introduced Karen Kearney from WestEd to present to the Board an update on their developments for their leadership training and preparation (Please see attached printouts from the presentation for details).

Discussion/ Teacher Certification, WestEd Presentation

Dr. Jeanette Flom: Addressed the Board requesting that they look into the loophole on school psychologists and internships.

Dr. Skip Little: Addressed the Board on certification issues for middle school teachers and the difficulty it presents to teachers in this state. Additionally, he spoke upon other states that have already addressed this issue and how their plan can be implemented in Arizona. (Please refer to NAU handouts for details.)

Mr. John Wright: Addressed the Board, asking that they stay away from using American Board certification as a valid instrument of assessment. Mr. Wright feels that an evaluation specific to Arizona is in our state's best interest. Additionally, he asked that the Board review alternative certification options, i.e. to receive a one-year provisional certificate until the professional knowledge exam is passed without the need for additional course work.

Dr. Bryan Palmer: Addressed the Board on ARS 15-533 and how the statute allows the Board to accept other state tests in reciprocity and the extreme drain of time and effort this would take to evaluate them as equivalent.

Dean Eugene Garcia: Stated to the Board that ASU is ready to work with the ADE to tackle any task in certification and teacher preparation and move quickly ahead with all of the requirement changes and modifications by NCLB and Arizona Learns.

Dr. McLean stated to the Board and the audience that this opportunity should be viewed as a venue to discuss the status of existing requirements and upcoming requirements; and then proceed in a similar direction.

Ms. Hilde declared that there is definitely a change in the education community around certification. Furthermore, the Board needs to make a decision on preferred assessments and look at temporary certification and any possible way certification can be made into a more efficient process.

Ms. Kasper relayed to the Board her personal experiences in becoming an Arizona State certified teacher. She feels that the new requirements may force a lot of qualified teachers out of the classroom because of all the bureaucratic processes and interpretation of highly qualified.

Dr. Diethelm mentioned that he feels we should develop some form of assistance and or schedule that meets the needs of our teachers.

Dr. McLean stated that he has gleaned the number one concern from this meeting is what to do about middle school certification. Do we need to develop a working group on this issue to form timelines and further the future conversations? He asked Ms. Garcia Dugen when she may be able to report back to the Board an update on this issue. Ms. Garcia Dugen explained the Certification Task Force 2003 that is under development (as first mentioned in Ms. Julie Gasaway's presentation) and that she would have some new

information to report mid to end June 2003. Ms. Farley added that middle school could be a priority for this Task Force to address and report on early, but that a majority of recommendations will come back to the Board in the fall.

▫ *Adjourned*

Dr. McLean asked for a motion to adjourn. Superintendent Horne made the motion; Dr. Diethelm seconded it. The meeting ended approximately 2:55pm.